

## **KANAB CITY COUNCIL MEETING**

**JUNE 9, 2015**

### **KANE COUNTY COMMISSION CHAMBERS**

**PRESENT:** Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, Brent Chamberlain and Joe B. Wright, City Recorder Joe Decker, City Treasurer RaeLene Johnson and Attorney Jeff Stott.

**WORK MEETING:** Mayor Houston read a proclamation in support of Local First Utah's Independents Week making July 1-7 as Local First Independent Week. The health of Kanab's economy depends on our support of businesses owned by our friends and neighbors. The proposed nuisance ordinance was discussed. Mayor Houston reviewed each suggestions and concerns from the Council and also the letters he received from local residents. Mr. Stott explained that the nuisance ordinance has been on the books for a long time. The Council is fixing the old ordinance. There really are not that many changes. Most of the ordinance follows State Code. Mayor Houston stated he was excited that people are interested in the ordinance and are getting involved. Mr. Stott said there are only four new things that weren't included in the current ordinance. They are: 1. Attractive Nuisance 2. Dust 3. Construction Equipment and Graffiti. Everything else is already law. Some of the suggested changes were: Under 10 Stagnant water definition was changed to "it shall be unlawful for any person or persons to permit collection of water or any retention of water as to cause the water to become unsanitary and unsafe." Under 14. Vegetation, "properly contained compost will be allowed. Under 15 Weeds/Grass heights all of a and b will be removed. Under 16 Dust, It will be changed to read "any premises which causes excessive dust due to activity altering landscape." Under 20 Improper Parking and Storage, number ii was eliminated. Under 23, letters d and f were eliminated. Under 25 Electrical Disturbances, is going to be reviewed a little more by the Council. A number 30 was added for dumping. The only dumping allowed would be for erosion control. Ms CaraLee Woods stated she would like to see the noise portion of the ordinance to have decibels included. She would also like to see detailed records to make sure the ordinance is doing what it is meant to do.

Mayor Houston called the regularly scheduled meeting to order and took roll call. The prayer was offered by Joe B. Wright and the pledge was led by Kent Burggraaf.

**APPROVAL OF AGENDA:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown to approve the agenda for June 9<sup>th</sup> with a correction on #13 changing ending Fiscal Year to June 30, 2016. Motion passed unanimously.

**APPROVAL OF MINUTES:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain to approve the minutes of the May 26<sup>th</sup> meeting as amended. Motion passed unanimously.

**APPROVAL OF ACCOUNTS PAYABLE VOUCHERS:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Carpenter to approve the check register of June 9<sup>th</sup> in the amount of \$247,426.37. Motion passed unanimously.

**PUBLIC COMMENT PERIOD:** Mr. Bill Cole addressed the Council. He expressed his appreciation to the Council. He felt people should ignore things in their neighbor's yards. Mr. Ed Grafton addressed the Council about the FCC rules. He said a device may not cause harmful interference, and it needs to accept any interference received. He was concerned with #25 of the nuisance ordinance. He said if his Ham Radio causes radio or television interference, it isn't his fault. He also discussed fire barriers and unlicensed vehicles. Mr. Jeff Frey suggested changing the wording in the nuisance ordinance under 10-316 to say "the Code Enforcement Officer can at his discretion go and handle a nuisance instead of having to wait for three people. Mr. Allen Gilberg stated that he understood what the Council was saying about their intent is not to seek out nuisances on private property, but that isn't what the ordinance states.

**AWARD THE TOM'S CANYON FLOOD CONTROL PROJECT :** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain to award the Tom's Canyon Flood Control project to Jackson Excavation from Bicknell, Utah not to exceed \$617,684.00 for the damn portion of the project. Motion passed unanimously by roll call vote.

**AWARD THE KANAB CITY DRAINAGE PROJECT MATERIALS :** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Wright to award the drainage project materials to Peterson Plumbing from Richfield, Utah in the amount of \$271, 948.14. Their low bid included everything in one bid. They had great references Motion passed unanimously by roll call vote.

**APPOINTMENT TO THE BEAUTIFICATION COMMITTEE:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Wright to confirm the Mayor's appointment of Janice Holladay to serve on the Beautification Committee with a term ending 12/31/2017. Motion passed unanimously.

**APPOINTMENT TO THE ARTS COUNCIL:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Carpenter to confirm the Mayor's appointment of Justyne Moore to serve on the Arts Council with a term ending 12/31/2017. Motion passed unanimously.

**ADOPT ORDINANCE 6-2-15 O :** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain to adopt Ordinance #6-1-15O amending the Ordinance in Section 8-301-2A changing the Board membership from 6 to 7. Motion passed unanimously by roll call vote.

**ADOPT ORDINANCE 6-2-15 O:** A motion was made by Council Member Chamberlain and 2<sup>nd</sup> by Council Member Brown to adopt Ordinance #6-2-15 O designating restricted areas within

Kanab City for the discharge of fireworks. Motion passed unanimously by roll call vote. The restricted areas are: A. All areas south of Kanab Creek Drive B. All areas west of 300 West C. All areas east of 600 East (east of Cemetery) D. These areas include both the Kanab Creek Ranchos and Cedar Heights Subdivisions E. La Estancia Subdivision

**PUBLIC HEARING:** A motion to go in and out of Public Hearing at the discretion of the Mayor to discuss adopting the operating budget and potentially changing the compensation for the Mayor and City Manager for Fiscal Year 2015/2016 was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain. Motion passed unanimously. Mr. Allen Gilberg addressed the Council. He said he was pleased that some funds were pulled out of the general fund. He thought that the Mayor and Council were doing a good job.

Closed Public Hearing

Mr. Decker explained to the Council about the meeting with a Solar System company. He said these panels are easy to repair and install. They can be done at different times without any problems. They are approximately \$1,000 a panel. A shade structure could also be made out of the panels. This Solar System would save the City a lot of money heating the swimming pool with propane.

**ADOPTION OF RESOLUTION 6-1-15 R:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown to adopt Resolution 6-1-15 R adopting budgets for the Fiscal Year ending June 30, 2016. Motion passed unanimously by roll call vote.

A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown to go into Closed Session. Motion passed unanimously.

Out of Closed Session

A motion to adjourn was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain. Motion passed unanimously.

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MAYOR

ROBERT D. HOUSTON

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RECORDER JOE DECKER